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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016/2017

UCL1612 - CONSTITUTIONAL LAW I (All Sections / Groups)

17 OCTOBER 2016

READING TIME :09:00AM – 09:15AM
(15 MINUTES)

ANSWERING TIME: 09:15AM – 12:15PM
3 HOURS

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 2 pages with 5 Questions only.
3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into the Examination Hall **CLEAN** and **ORIGINAL** copy of:
 - i. Federal ConstitutionStudents are not allowed to lend or borrow statute(s) during the Examination
5. Please write all your answers in the Answer Booklet provided.

COMPULSORY QUESTION**QUESTION 1**

Ali is a recently elected Member of the *Dewan Rakyat* for the constituency of Bukit Keluli for the major opposition party, the Sweetdream party. During a parliamentary session, he was involved in a heated debate with Samad, a Member of Parliament from the ruling party on the Bill pertaining to fostering national unity. Caught up in a heated discussion, Ali had suggested that the country should have a single education system, where all vernacular schools need to be closed; as according to him, it is a major impediment to the national unity. His contention has brought up a major stir in the Parliament, where he had been asked to retract his statement, where had refused to do it. Instead, he repeated it again in the Parliament's lobby during a brief press conference soon after the session ended after being taunted by a contingent of ruling party backbenchers. Apart from that, he also put up his statement on the parliamentary notice board. In addition to that, Ali also re-posted his statement in Parliament by using his social media accounts.

Seeing this as a threat to the national unity, Samad had lodged a police report against Ali on the charge for inciting racial disunity. Soon later, the Police had arrested Ali under the Sedition Act 1948. During his arrest, Ali pleaded that he was exercising his rights of Parliamentary privilege as the statement was originally issued in during the Parliamentary session.

Advise Ali.

(Total: 25 marks)

ANSWER ANY THREE OUT OF THE FOLLOWING FOUR QUESTIONS.**QUESTION 2**

"The concept of Ministerial responsibility generally can be divided into two subcategories; which are the Individual Ministerial responsibility, and Collective Ministerial responsibility. Unlike in England, where these doctrine founded by convention, Collective Ministerial responsibility is expressly recognized in Article 43(3) of the Federal Constitution, while Individual Ministerial responsibility founded upon political norms and unwritten conventions".

Discuss the concept of Ministerial responsibility.

(Total: 25 marks)

Continued...

QUESTION 3

In any democratic society, the legislative body plays the role of check and balance mechanism especially in regards of scrutinising the Executive.

Critically assess the efficacy of the various procedures available in the *Dewan Rakyat* for scrutinising the executive.

Is there any necessary reform (if any) need to be done, and why?

(Total: 25 marks)

QUESTION 4

“Rule of law implies that every citizen is subject to the law, including the law makers themselves”.

In light of A.V Dicey’s theory of rule of law, discuss the statement above as well as its importance in Malaysia, along with relevant cases and authorities.

(Total: 25 marks)

QUESTION 5

The first past the post system (FPTP) had been practiced in Malaysia even since the first general election in 1955. The system or sometimes known as the majoritarian system is a system with no concept of proportional representation.

In your opinion, what are the advantages and disadvantages of this system? Are reforms necessary? Give reasons in your answers.

(Total: 25 marks)

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